

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE RESTAURANT
ASSOCIATION,

Plaintiff,

- against -

NEW YORK CITY BOARD OF HEALTH,
NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE, and
Thomas R. Frieden, In His Official Capacity
as Commissioner of the New York City
Department of Health and Mental Hygiene,

Defendants.

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No. 2008 Civ. 1000 (RJH)

NOTICE OF APPEAL

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U.S. DISTRICT COURT
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S.D. OF N.Y.

PLEASE TAKE NOTICE that the plaintiff in the above-referenced action The New York State Restaurant Association hereby appeals to The United States Court of Appeals for the Second Circuit from the Memorandum Opinion and Order denying Plaintiff's Motion for a Preliminary Injunction, denying plaintiff's motions for declaratory relief and summary judgment and granting defendants' motion for summary judgment entered on April 16, 2008.

Dated: April 16, 2008
New York, New York

Respectfully submitted,

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